

Fishery Conservation and Management

§ 679.1

Subpart D—Individual Fishing Quota Management Measures

- 679.40 Sablefish and halibut QS.
- 679.41 Transfer of QS and IFQ.
- 679.42 Limitations on use of QS and IFQ.
- 679.43 Determinations and appeals.
- 679.44 Penalties.

Subpart E—Observer Requirements/North Pacific Fisheries Research Plan

- 679.50 Research Plan fee.
- 679.51 General observer requirements (applicable through December 31, 1996).
- 679.52 Observer coverage requirements for Research Plan fisheries (applicable after December 31, 1996).
- 679.53 Annual Research Plan specifications.
- 679.54 Compliance.

Subpart F—Scallop Fishery Off Alaska

- 679.60 Gear and efficiency limits.
- 679.61 Registration areas.
- 679.62 General limitations.
- 679.63 Inseason adjustments.
- 679.64 Seasons.
- 679.65 Observer requirements.
- Figures—Part 679
 - Figure 1—BSAI Statistical and Reporting Areas
 - Figure 2—BSAI Catcher Vessel Operational Area
 - Figure 3—Gulf of Alaska Statistical and Reporting Areas
 - Figure 4—Herring Savings Areas in the BSAI
 - Figure 5—Kodiak Island Areas Closed to Nonpelagic Trawl Gear
 - Figure 6—Length Overall of a Vessel
 - Figure 7—Location of Trawl Gear Test Areas in the GOA and the BSAI
- Tables—Part 679
 - Table 1—Product Codes
 - Table 2—Species Codes
 - Table 3—Product Recovery Rates for Groundfish Species
 - Table 4—Bering Sea Subarea Steller Sea Lion Protection Areas
 - Table 5—Aleutian Islands Subarea Steller Sea Lion Protection Areas
 - Table 6—Gulf of Alaska Steller Sea Lion Protection Areas
 - Table 7—Communities Determined to be Eligible to Apply for Community Development Quotas
 - Table 8—Harvest Zone Codes for Use with Product Transfer Reports and Vessel Activity Reports
 - Table 9—Required Logbooks, Reports, and Forms from Participants in the Federal Groundfish Fisheries
 - Table 10—Gulf of Alaska Retainable Percentages
 - Table 11—Bering Sea and Aleutian Islands Management Area Retainable Percentages

AUTHORITY: 16 U.S.C. 773 *et seq.*, 1801 *et seq.*

SOURCE: 61 FR 31230, June 19, 1996, unless otherwise noted.

Subpart A—General

§ 679.1 Purpose and scope.

Regulations in this part were developed by the Council under the Magnuson Act. Along with part 600 of this chapter, these regulations implement the following:

(a) *Fishery Management Plan for Groundfish of the Gulf of Alaska*. (1) Regulations in this part govern commercial fishing for groundfish in the GOA by vessels of the United States (see subparts A, B, D, and E of this part).

(2) The following State of Alaska regulations are not preempted by this part for vessels regulated under this part fishing for demersal shelf rockfish in the Southeast Outside District, and which are registered under the laws of the State of Alaska: 5 AAC 28.110, fishing seasons; 5 AAC 28.130, gear; 5 AAC 28.160, harvest guidelines; 5 AAC 28.190, harvest of bait by commercial permit holders.

(b) *Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area*. Regulations in this part govern commercial fishing for groundfish in the BSAI by vessels of the United States (see subparts A, B, C, D, and E of this part).

(c) *Moratorium on entry (applicable through December 31, 1998)*. Regulations in this part govern a moratorium on the entry of new vessels in the commercial fisheries for groundfish in the GOA and BSAI and in the commercial fisheries for king and Tanner crabs in the BSAI (see subparts A and D of this part).

(d) *IFQ Program for sablefish and halibut*. The IFQ management plan for the commercial fisheries that use fixed gear to harvest sablefish and halibut (see subparts A, B, D, and E of this part).

(1) *Sablefish*. (i) Regulations in this part govern commercial fishing for sablefish by vessels of the United States:

(A) Using fixed gear within that portion of the GOA and the BSAI over which the United States exercises exclusive fishery management authority; and

(B) Using fixed gear in waters of the State of Alaska adjacent to the BSAI and the GOA, provided that such fishing is conducted by persons who have been issued permits under § 679.4.

(ii) Regulations in this part do not govern commercial fishing for sablefish in Prince William Sound or under a State of Alaska limited entry program.

(2) *Halibut*. Regulations in this part govern commercial fishing for halibut by vessels of the United States using fixed gear, as that term is described in 16 U.S.C. 773(d), in and off of Alaska.

(e) *Western Alaska CDQ Program*. The goals and purpose of the CDQ program are to allocate CDQ to eligible Western Alaska communities to provide the means for starting or supporting commercial seafood activities that will result in ongoing, regionally based, commercial seafood or related businesses (see subparts A, B, C, and E of this part).

(f) *Observer requirements/Research Plan*. Regulations in this part govern elements of the Research Plan for the following fisheries under the Council's authority: BSAI groundfish, GOA groundfish, BSAI king and Tanner crab in the EEZ; and halibut from Convention waters off Alaska (see subpart E of this part).

(g) *Fishery Management Plan for the Commercial King and Tanner Crab Fisheries in the BSAI*. Regulations in this part govern commercial fishing for king and Tanner crab in the BSAI by vessels of the United States, including regulations superseding State of Alaska regulations applicable to the commercial king and Tanner crab fisheries in the BSAI EEZ that are determined to be inconsistent with the FMP (see subparts A, B, and E of this part).

(h) *Fishery Management Plan for the Scallop Fishery off Alaska*. (1) Regulations in this part govern commercial fishing for scallops in the Federal waters off Alaska by vessels of the United States (see subparts A and F of this part).

(2) State of Alaska laws that are in addition to, and not in conflict with, the regulations in this part are not preempted for vessels registered under the

laws of the State fishing for scallops in the Federal waters off Alaska.

[61 FR 31230, June 19, 1996, as amended at 61 FR 38103, July 23, 1996]

§ 679.2 Definitions.

In addition to the definitions in the Magnuson Act and in part 600 of this chapter, the terms used in this part have the following meanings:

Active/inactive periods—(1) *Active periods*—(i) *Catcher vessel*. An active period for a catcher vessel means a period of time when the catcher vessel is in a reporting area (except 300, 400, 550, or 690) or gear remains on the grounds in a reporting area (except 300, 400, 550, or 690), regardless of the vessel location.

(ii) *Shoreside processor, mothership, catcher/processor, and buying station*. An active period for a shoreside processor, mothership, catcher/processor, and buying station means a period of time when checked in.

(2) *Inactive periods*—(i) *Catcher vessel*. An inactive period for a catcher vessel means any period that does not qualify as an active period.

(ii) *Shoreside processor, mothership, catcher/processor, or buying station*. An inactive period for a shoreside processor, mothership, catcher/processor, or buying station means a period of time when not checked in.

ADF&G means the State of Alaska Department of Fish and Game.

Alaska local time (A.l.t.) means the current Alaska time, either daylight savings time or standard time.

Alaska State waters means waters adjacent to the State of Alaska and shoreward of the EEZ off Alaska.

Aleutian Islands Subarea (AI) of the BSAI means that portion of the EEZ contained in Statistical Areas 541, 542, and 543 (see Figure 1 of this part).

Authorized distributor means a tax-exempt organization authorized by NMFS to coordinate the processing, storage, transportation, and distribution of salmon taken as bycatch in the groundfish trawl fisheries to tax-exempt hunger relief agencies, food bank networks, and food bank distributors.

Authorized fishing gear means dive, fixed gear, hook-and-line, jig, longline, longline pot, nonpelagic trawl, nontrawl, pelagic trawl, pot-and-line,